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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,960	08/27/2001	Lane W. Lee	M-12043 US	6648
7590	12/08/2004		EXAMINER	
MACPHERSON KWOK CHEN & HEID LLP 1762 TECHNOLOGY DRIVE SUITE 226 San Jose, CA 95110			BACKER, FIRMIN	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/939,960	LEE ET AL. <i>E</i>
Examiner	Art Unit	
Firmin Backer	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 August 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 37-43 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 37-43 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

***Response to Amendment***

This is in response to an amendment file on August 27<sup>th</sup>, 2004. In the amendment, claims 1-36 have been canceled, and claims 37-43 have been added. Claims 37-43 are pending in the application.

***Response to Arguments***

1. Applicant's arguments with respect to claims 37-43 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 37-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Hurvig et al (U.S. PG Pub No 2004/0205243).

4. As per claim 37, Hurvig et al teach an access method, comprising receiving at a storage engine a certificate from the host device the certificate containing a digital signature

authenticating the digital signature receiving at the storage engine a the request from the authenticated host device, the file request being directed to a file stored on a storage medium accessible to the storage engine within the storage engine, reading security metadata associated with the file from the storage medium, the security metadata containing at least one rule governing access to the file within the storage engine, applying the at least one rule to the file request from the host device; and if the application of the al least one rule provides a failing result, denying the file request (*see paragraphs 0028, 0030-0033, 0037-0041, 0044, 0045, 0048, 0054-0060, 0107*).

5. As per claim 38, Hurvig et al teach an access method wherein the at least one rule comprises a plurality of rules (*see paragraphs 0028, 0030-0033, 0037-0041, 0044, 0045, 0048, 0054-0060, 0107*)..

6. As per claim 39, Hurvig et al teach an access method wherein the storage medium is an optical disk (*see paragraphs 0028, 0030-0033, 0037-0041, 0044, 0045, 0048, 0054-0060, 0107*)..

7. As per claim 40, Hurvig et al teach an access method wherein the application of the at least one rule act comprises checking play privileges for the host device (*see paragraphs 0028, 0030-0033, 0037-0041, 0044, 0045, 0048, 0054-0060, 0107*)..

8. As per claim 41, Hurvig et al teach an access method of if the application of the at least one rule provides a successful result granting the request (*see paragraphs 0028, 0030-0033, 0037-0041, 0044, 0045, 0048, 0054-0060, 0107*)..

9. As per claim 42, Hurvig et al teach a storage engine, comprising authentication means for authenticating a digital signature contained in a certificate from a host device, and file request response means for responding to file request from the host device, each file request identifying a particular file, the file request response means being responsive to file requests only if the authentication means authenticates the digital signature, the file request response means being configured to read security metadata associated with the file from a storage medium, the security metadata containing at least one rule governing access to the file the file request response means being configured to apply the at least one rule to the file request from the host device; the file request response means being configured to deny the file request if the application of the at least one rule provides a failing result (*see paragraphs 0028, 0030-0033, 0037-0041, 0044, 0045, 0048, 0054-0060, 0107*)..

10. As per claim 43, Hurvig et al teach an access method wherein the storage medium is an optical disk (*see paragraphs 0028, 0030-0033, 0037-0041, 0044, 0045, 0048, 0054-0060, 0107*)..

***Conclusion***

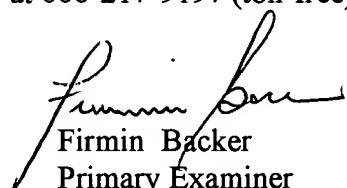
11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Firmin Backer  
Primary Examiner  
Art Unit 3621

December 3, 2004